

**Community Planning and Economic Development Department – Planning Division**  
Rezoning, parking Variance and a setback Variance  
BZZ-1437

**Date:** November 17, 2003

**Applicant:** Paul Schoenecker

**Address of Property:** 1728 West Lake Street

**Contact Person and Phone:** Paul Schoenecker, (952) 831-1629

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** October 22, 2003

**End of 60-Day Decision Period:** December 21, 2003

**End of 120-Day Decision Period:** Not applicable

**Ward:** 10      **Neighborhood Organization:** East Isles Residents' Association

**Existing Zoning:** R6

**Proposed Zoning:** C1

**Proposed Use:** An office and two dwelling units.

**Previous Actions:** None.

**Concurrent Review:**

**Rezoning:** petition to change the zoning classification for the subject property from R6 to C1.

**Variance:** to reduce the required number of off-street parking spaces for an office and two dwelling units from 6 to 3 where 3 spaces are grandfathered.

**Variance:** to reduce the front yard setback from the required 15 feet to 0 feet to allow for an 11-foot by 13-foot ground-level patio in the front yard.

**Background** The applicant is proposing to convert the first floor of the existing triplex that he owns located at 1728 West Lake Street to an office for his Real Estate Development Company. In addition to converting the first floor dwelling unit into an office the applicant intends on repainting the exterior of the building and constructing a ground-level patio in the front yard.

**Neighborhood Review:** The East Isles Residents' Association reviewed Paul Schoenecker's proposal at a neighborhood meeting held on September 24, 2003. The neighborhood is in full support of the rezoning from R6 to C1.

**Attachments:**

1. Zoning map
2. Correspondence from applicant
3. Letters from the CM's office, the neighborhood association and surrounding property owners
4. Site plan and floor plans
5. Sign plans
6. Photographs of the site and surrounding area

**REZONING**

**Zoning Plate Number: 24**

**Legal Description:** The South 73.00 feet of West 1.75 feet of Lot 10 and South 73.00 feet of Lot 11, HILL & LATHAMS ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.

**Findings as Required by the Minneapolis Zoning Code for the Rezoning:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to the Land Use Policy Map, the area is designated as high-density residential and is located near an Activity Center. West Lake Street is designated as a Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support efforts that recognize both the increased visibility and importance of corner properties...
- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- Support development where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.
- Identify and support a limited number of Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

This proposal is consistent with the comprehensive plan

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The amendment will allow the property owner to utilize the site as a mixed-use building with one office in it and two dwelling units. City stakeholders have identified West Lake Street as a Commercial Corridor. Approving this rezoning supports the City's decision to maintain West Lake Street for a mixture of both commercial and residential uses.

**3. Whether the existing uses of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is bordered by R5 zoning to the east and north, R1 zoning to the west and a mixture of R6 and C1 zoning to the south. Adjacent uses include residential dwellings of varying densities, a mixture of commercial uses along West Lake Street and public park land.

The proposed C1 zoning district is compatible with the immediately surrounding area. The C1 Neighborhood Commercial District is established to provide a convenient shopping environment of small-scale retail sales and commercial services that are compatible with adjacent residential uses. In this particular situation the C1 property would be located on the same block as three existing commercial uses and kitty-corner from a C1 zoning district.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the R6 zoning district. The R6 zoning district is a high-density residential district. Permitted uses in the R6 district include, but are not limited to, the following:

- Multiple-family dwelling of three (3) and four (4) units
- community residential facilities serving six (6) or fewer persons
- community gardens
- public parks
- religious institutions

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the area had zoning classifications similar to the current zoning classifications. Under the 1963 Zoning Code the subject site was zoned R6.

**RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission recommend that the City Council approve the rezoning petition to change the zoning classification for the subject property located at 1728 West Lake Street from R6 to C1.

**VARIANCE** to reduce the required number of off-street parking spaces for an office and two dwelling units from 6 to 3 where 3 spaces are grandfathered.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking reduction:** The applicant is seeking a variance to reduce the required number of off-street parking spaces for an office and two dwelling units from 6 to 3 where 3 spaces are grandfathered. The applicant has indicated that there is no place on the property to accommodate parking. The applicant has noted that although the conversion of one of the dwelling units to an office increases the parking requirement that overall there should be a gain of parking in the area because the office use is open only during business hours when typically others in the area are at work.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Parking reduction:** The fact that the building occupies the majority of the property is a unique circumstance of this property.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Parking reduction:** Because the office employees will be parking on the local streets during business hours the demand for parking when the majority of the residents in the area are home should not be impacted.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Parking reduction:** Given that the office employees will be parking on the local streets during business hours staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed parking variance be detrimental to welfare or public safety.

**RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT – PLANNING DIVISION:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance to reduce the required number of off-street parking spaces for an office and two dwelling units from 6 to 3 where 3 spaces are grandfathered for the property located at 1728 West Lake Street.

**VARIANCE** to reduce the front yard setback from the required 15 feet to 0 feet to allow for an 11-foot by 13-foot ground-level patio in the front yard.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to 0 feet to allow for an 11-foot by 13-foot ground-level patio in the front yard. The applicant has indicated that the property measures approximately 47 feet wide by 73 feet deep and that the structure that sits on the property occupies the majority of the property. Please note that in order to construct a ground level patio deeper than 6.8 feet in the rear yard that a variance would be required because of the setback requirements in the C1 zoning district.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The size of the property and the placement of the structure on the lot are unique circumstances of this property.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** On this particular block there are two other properties with front yard patios. They are located at 1716 West Lake Street and 1700 West Lake Street. Not only do other properties along this block have front yard patios but there are a handful of commercial properties along this block as well as multi-unit residential buildings. In addition, this property is located on a corner and across the street (Knox Avenue South) from park land.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Staff believes that the granting of the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed parking variance be detrimental to welfare or public safety.

**RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback from the required 15 feet to 0 feet to allow for an 11-foot by 13-foot ground-level patio in the front yard for the property located at 1728 West Lake Street subject to the following conditions:

1. The Planning Department shall review and approve the final site plan.